**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929**

**OP.No. 8898 of 1998(H)**
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**PETITIONER:**
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**EX.NO.7119692 GANGADHARAN K.**
**KUNNAMKUTTIYIL HOUSE,**
**P.O.KIZHUR, MELADI (VIA),**
**CALICUT DISTRICT,**

**BY ADV. SRI.GRASHIOUS KURIAKOSE**

**RESPONDENTS:**
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1. **THE OFFICER-IN-CHARGE, E.M.E.,**
   **RECORDS SECUNDERABAD A.P.**

2. **THE CONTROLLER OF DEFENCE**
   **ACCOUNTS (PENSION),**
   **ALLAHABAD U.P.**

3. **THE CHIEF OF ARMY STAFF,**
   **ARMY HEAD QUARTERS, NEW DELHI.**

4. **GOVERNMENT OF INDIA, REP.BY THE**
   **SECRETARY TO MINISTRY OF DEFENCE**
   **NEW DELHI.**

**BY SRI.V.V.SURESH, ADDL.CGSC**
**SRI.THOMASMATHEW NELLIMOOTTIL,SR.PANEL**
**SRI.A.JAYASANKAR, ADDL.CGSC**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON 28/09/2007 DELIVERED THE FOLLOWING:**

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**OP. NO.8898/1998**

**ORDER ON CMP. NO.14998/1998 IN OP. NO.8898/1998**

**DISMISSED**

**28.09.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE (RELEVANT PORTION) OF CERTIFICATE OF (DISCHARGE) DT. 7.10.80 ISSUED BY IST RESPONDENT TO THE PETITIONER.**

**EXT.P2:- COPY OF THE FINAL DAILY ORDERS PART II DT. 30.9.80 FROM EME DEPOT BATTALION SECUNDERABAD 21 TO THE PETITIONER.**

**EXT.P3:- COPY OF THE LETTER DT. 28.3.81 OF ASST. RECORD OFFICER FOR OIC EME RECORDS SECUNDERABAD – 21 TO THE PETITIONER.**

**EXT.P4:- COPY OF THE ORDER DT. 27.7.83 OF SR.VERMA UNDER SECRETARY TO GOVERNMENT OF INDIA TO THE PETITIONER.**

**EXT.P5:- COPY OF THE LETTER OF PETITIONER TO THE DEFENCE SECRETARY, MINISTRY OF DEFENCE, NEW DELHI DT. 12.11.83.**

**EXT.P6:- COPY OF THE LETTER FROM ASST. RECORD OFFICER EME RECORDS SECUNDERABAD 21 DT. 28.8.91 ISSUED TO THE PETITIONER.**

**EXT.P7:- COPY OF THE LETTER FROM CHIEF RECORD OFFICER FOR OIC EME RECORDS SECUNDERABAD 21 DT. 25.1.92 TO THE PETITIONER.**

**EXT.P8:- COPY OF THE JUDGMENT DT. 7.1.97 IN OP. 13543/92 OF THIS HONOURABLE COURT.**

**EXT.P9:- COPY OF THE ORDER DT. 16.3.98 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT.**

**RESPONDENTS EXHIBITS**

**EXT.R1(a):- COPY OF THE INVALIDING MEDICAL BOARD PROCEEDINGS DT. 30. AUG 1980.**

**EXT.R2(A):- COPY OF THE AFMSF-11 DISCHARGE SLIP DT. 26.11.79.**

**EXT.R2(B):- COPY OF THE AFMSF-7 MEDICAL CASE SHEET DT. 27.11.79.**

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**EXT.R2(C):- COPY OF THE AFMSF-14 CLINICAL CHART DT. 27.11.79.**

**EXT.R2(D):- COPY OF THE IAFT-1750 MOVEMENT ORDER DT. 24.11.79.**

**EXT.R2(E):- COPY OF THE INSTRUCTION TO CANDIDATES FOUND UNIFIT,**

**EXT.R2(F):- COPY OF THE CERTIFICATE OF MEDICAL EXAMINATION DT. 3.11.79.**

**EXT.R2(G):- COPY OF THE AFMSF-8 HOSPITAL ADMISSION CARD**

**/TRUE COPY/**

**P.S. TO JUDGE**

**tss**

**THOTTATHIL B.RADHAKRISHNAN, J.**

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Dated this the 26th day of June, 2007

**O R D E R**

Following the order dated 1.6.2007, learned Central Government Standing Counsel has placed before me certain documents, given to him by the department along with covering letter dated 25.6.2007, and let those documents be placed along with an affidavit as additional materials. From among those materials, it is discernible that the Special Medical Board found that the petitioner had Block Vertebra C 2-3 and accordingly, he was treated as an unfit candidate. It also appears that there was apparently some appeal procedures. The respondents will, therefore, ascertain whether there was any appellate procedures referable to the aforesaid Special Medical Board report and if so, what is the result.

2. If the petitioner desires to place any further materials, let that also be done before the next date of hearing. The CGSC will

serve copies of the documents along with affidavit on the counsel for the petitioner.

Post after three weeks.

**THOTTATHIL B.RADHAKRISHNAN**
**Judge**

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.8898 OF 1998

O R D E R

26TH JUNE, 2007.

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